

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

ROGER D. CONNER

Plaintiffs

VS.

G. D. SEARLE, LLC, et al

Defendants

CV 06-PT-843-E

MEMORANDUM OPINION

This cause comes on to be heard on Defendants' Motion for Stay of all Proceedings Pending Transfer to Multidistrict Litigation Proceeding filed on May 4, 2006 and plaintiff's Motion to Remand filed on May 5, 2006.

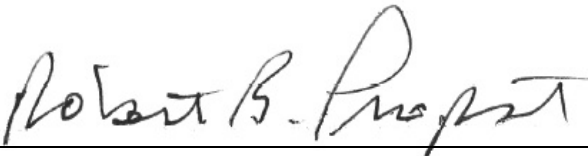
The court starts with a consideration of *Legg v. Wyeth*, 428 F.3d 1317 (11th Cir. 2005). Contrary to plaintiff's repeated argument that the *Legg* court could not and did not consider the merits of the remand, that court stated:

We may review the merits of a remand order in considering whether the district court abused its discretion by awarding attorneys' fees and costs under 28 U.S.C. § 1447(e). (Emphasis added).

The court proceeded to discuss the merits of that case, the facts of which are very similar to those here.

This court having fully considered the evidence, the briefs, the *Legg* case and the Report and Recommendation in *Dr. Gene N. Gordon v. Pfizer Inc., et al*, Civil Action No. 06-RRA-703-E, concludes that the plaintiff's Motion to Remand should be denied. The defendant's Motion to Stay will be granted.

This the 1st day of June, 2006.



ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE